

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 137

Introduced by Bohlke, 33

Read first time January 7, 1999

Committee: Government, Military and Veterans Affairs

A BILL

- 1 FOR AN ACT relating to public records; to amend section 84-712.05,
- 2 Revised Statutes Supplement, 1998; to exclude job
- 3 application materials from public record requirements;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 84-712.05, Revised Statutes
2 Supplement, 1998, is amended to read:

3 84-712.05. The following records, unless publicly
4 disclosed in an open court, open administrative proceeding, or open
5 meeting or disclosed by a public entity pursuant to its duties, may
6 be withheld from the public by the lawful custodian of the records:

7 (1) Personal information in records regarding a student,
8 prospective student, or former student of any tax-supported
9 educational institution maintaining the records, other than routine
10 directory information;

11 (2) Medical records, other than records of births and
12 deaths and except as provided in subdivision (5) of this section,
13 in any form concerning any person, and also records of elections
14 filed under section 44-2821;

15 (3) Trade secrets, academic and scientific research work
16 which is in progress and unpublished, and other proprietary or
17 commercial information which if released would give advantage to
18 business competitors and serve no public purpose;

19 (4) Records which represent the work product of an
20 attorney and the public body involved which are related to
21 preparation for litigation, labor negotiations, or claims made by
22 or against the public body or which are confidential communications
23 as defined in section 27-503;

24 (5) Records developed or received by law enforcement
25 agencies and other public bodies charged with duties of
26 investigation or examination of persons, institutions, or
27 businesses, when the records constitute a part of the examination,
28 investigation, intelligence information, citizen complaints or

1 inquiries, informant identification, or strategic or tactical
2 information used in law enforcement training, except that this
3 subdivision shall not apply to records so developed or received
4 relating to the presence of and amount or concentration of alcohol
5 or drugs in any body fluid of any person;

6 (6) Appraisals or appraisal information and negotiation
7 records concerning the purchase or sale, by a public body, of any
8 interest in real or personal property, prior to completion of the
9 purchase or sale;

10 (7) Personal information in records regarding personnel
11 of public bodies other than salaries and routine directory
12 information;

13 (8) Information solely pertaining to protection of the
14 physical security of public property such as guard schedules; lock
15 combinations; or the security standards, procedures, policies,
16 plans, specifications, diagrams, access lists, and other
17 security-related records of the Lottery Division of the Department
18 of Revenue and those persons or entities with which the division
19 has entered into contractual relationships. Nothing in this
20 subdivision shall allow the division to withhold from the public
21 any information relating to amounts paid persons or entities with
22 which the division has entered into contractual relationships,
23 amounts of prizes paid, the name of the prize winner, and the city,
24 village, or county where the prize winner resides;

25 (9) With respect to public utilities and except as
26 provided in sections 43-512.06 and 70-101, personally identified
27 private citizen account payment information, credit information on
28 others supplied in confidence, and customer lists;

1 (10) Records or portions of records kept by a publicly
2 funded library which, when examined with or without other records,
3 reveal the identity of any library patron using the library's
4 materials or services;

5 (11) Correspondence, memoranda, and records of telephone
6 calls related to the performance of duties by a member of the
7 Legislature in whatever form. The lawful custodian of the
8 correspondence, memoranda, and records of telephone calls, upon
9 approval of the Executive Board of the Legislative Council, shall
10 release the correspondence, memoranda, and records of telephone
11 calls which are not designated as sensitive or confidential in
12 nature to any person performing an audit of the Legislature. A
13 member's correspondence, memoranda, and records of confidential
14 telephone calls related to the performance of his or her
15 legislative duties shall only be released to any other person with
16 the explicit approval of the member;

17 (12) Records or portions of records kept by public bodies
18 which would reveal the location, character, or ownership of any
19 known archaeological, historical, or paleontological site in
20 Nebraska when necessary to protect the site from a reasonably held
21 fear of theft, vandalism, or trespass. This section shall not
22 apply to the release of information for the purpose of scholarly
23 research, examination by other public bodies for the protection of
24 the resource or by recognized tribes, the Unmarked Human Burial
25 Sites and Skeletal Remains Protection Act, or the federal Native
26 American Graves Protection and Repatriation Act; ~~and~~

27 (13) Records or portions of records kept by public bodies
28 which maintain collections of archaeological, historical, or

1 paleontological significance which reveal the names and addresses
2 of donors of such articles of archaeological, historical, or
3 paleontological significance unless the donor approves disclosure,
4 except as the records or portions thereof may be needed to carry
5 out the purposes of the Unmarked Human Burial Sites and Skeletal
6 Remains Protection Act or the federal Native American Graves
7 Protection and Repatriation Act; and

8 (14) Job application materials submitted by applicants,
9 other than finalists, who have applied for employment by any public
10 body as defined in section 84-1409. For purposes of this
11 subdivision, job application materials means employment
12 applications, resumes, reference letters, and school transcripts,
13 and finalist means any applicant who is offered and who accepts an
14 interview by a public body or its agents, representatives, or
15 consultants for any public employment position.

16 Sec. 2. Original section 84-712.05, Revised Statutes
17 Supplement, 1998, is repealed.